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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,155	07/10/2001	John E. Schommer		7088

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

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DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,155

Applicant(s)

SCHOMMER, JOHN E.

Examiner

Christopher S. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "welded" recited in claim 3; the " ∂_1 " recited in claims 10 and 11; the " ∂_2 " recited in claims 5 and 6; the " ∂_3 " recited in claim 12; the " ∂_4 " recited in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "several feet" in line 2. It is uncertain how many feet are being claimed.

Regarding claim 6, the recitations "minimum" and "maximum" render the claim indefinite. Neither the specification nor the claims define such limits.

Regarding claim 11, the recitations "widest" and "maximum" render the claim indefinite. Neither the specification nor the claims define such limits.

Regarding claims 2, 9 and 24, the recitation "vicinity" renders the claim indefinite. Neither the specification nor the claims define such limit/distance.

Regarding claim 24, the recitation "highly" renders the claim indefinite. Neither the specification nor the claims define such limit.

Throughout claims 5, 8 and 9-24, it is uncertain whether the recitations following "preferred" or "preferably" is a positively recited limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell et al. (4,009,666).

Russell et al. discloses a water conserving and cleaning apparatus comprising: a means 12 for holding said apparatus; a means 24 for removing particles; a means 34 for creating a Venturi effect (inherently created by the low pressure of the fluid exiting the nozzle).

6. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Geel (2,692,163).

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Geel discloses a water conserving and cleaning apparatus comprising: an essentially straight handle 10; a hand grip 11; a straight fixture 12; a water flow control lever (lever of 12); a jet manifold 15,16.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al. (4,009,666) in view of Maasberg (3,998,387).

With respect to claims 3, 4 and 6, Russell et al. discloses the limitations of the claimed invention with the exception of the forward and rear wings, the rear wings having a plurality of wheels. Maasberg discloses, in figure 4, forward and rear wings 5b,6b with wheels 9. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have replaced the wings 34 of Russell et al. with the wings 5b,6b of Massberg to fully compensate for the reactionary force (Massberg, column 1, lines 37-39).

With respect to claims 5, 9-11, Russell in view of Maasberg discloses the limitations of the claimed invention with the exception of the 1.250 inches and 47 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an upper porch having a length of 1.250

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inches and an angle step having 47 degrees for optimization dependent on application criteria, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 7, Russell in view of Maasberg discloses the limitations of the claimed invention with the exception of 2-3 gallons per minute. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provided 2-3 gallons per minute of water for optimization dependent on application criteria, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 8, Russell in view of Maasberg discloses the limitations of the claimed invention with the exception of 40-80 psi water pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provided 40-80 psi water pressure for optimization dependent on application criteria, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

9. Claims 3 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geel (2,692,163) in view of Lumpkin (2,746,072).

With respect to claims 3, 17, 18, 19, 20 and 21, Geel discloses the limitations of the claimed invention with the exception of the rear wing and the rear wing having a

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plurality of wheels. Lumpkin discloses rear wing 4,6 and wheels 5. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the rear wing and wheels of Lumpkin to the device of Geel to provide a squeegee.

With respect to claims 12 and 13, Geel in view of Lumpkin discloses the limitations of the claimed invention with the exception of the nozzle being at 30 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have positioned the nozzles at 30 degrees for optimization dependent on application criteria, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 13, the forward wing is parallel to the spray nozzles in the longitudinal direction of the manifold 15,16.

With respect to claim 14, Geel in view of Lumpkin discloses the limitations of the claimed invention with the exception of the L_2 being equal to 1.0 inch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a forward wing having L_2 equal to 1.0 inch for optimization dependent on application criteria, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claims 15 and 16, Geel in view of Lumpkin discloses the limitations of the claimed invention with the exception of the d being equal to 1.8 inches.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a clearance of 1.8 inches for the horizontal cylinder for optimization dependent on application criteria, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geel (2,692,163) in view of Nelson (4,730,786).

Geel discloses the limitations of the claimed invention with the exception of the cone-shaped water filter. Nelson discloses a cone-shaped water filter 66. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the cone-shaped water filter of Nelson to the device of Geel to filter the fluid.

11. Claims 1 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geel (2,692,163) in view of Lumpkin (2,746,072) and Nelson (4,730,786).

See explanation above.

Conclusion


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. and Newman disclose deflectors/guards for spray nozzles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703)

308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703) 308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher S. Kim
Primary Examiner
Art Unit 3752

CK
August 10, 2003